

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JULIAN E. ROCHESTER,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-0015

H.M. HERLONG, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's complaint, which asserts claims against federal judicial officers in the District of South Carolina, where plaintiff is incarcerated. (Doc. No. 1.) By Standing Order entered August 1, 2006, and filed in this case on January 9, 2009, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(b), the Standing Order directs Magistrate Judge Stanley to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge Stanley submitted her Proposed Findings and Recommendation ("PF & R") on February 2, 2009, recommending that this court dismiss plaintiff's complaint under 28 U.S.C. § 1915A for lack of personal jurisdiction over the parties, and because the complaint is frivolous and incomprehensible. (Doc. No. 3.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which

to file any objections to Magistrate Judge Stanley's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). Moreover, this court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Plaintiff made two filings related to the PF & R: a set of objections, and a "Motion to Compel." (Doc. Nos. 4, 5.) These filings, which may generally be described as incomprehensible, do not address the grounds on which the magistrate judge recommended dismissal. His objections are therefore irrelevant and unresponsive to the reasoning contained in the PF & R, and must be overruled on that ground, as they do not "direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano, 687 F.2d at 47.

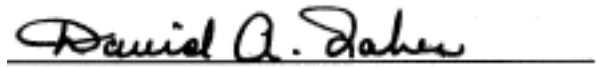
Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the court (1) **ADOPTS** the findings and conclusions set forth therein; (2) **DISMISSES** plaintiff's complaint pursuant to 28 U.S.C. § 1915A; (3) **DENIES**

plaintiff's Motion to Compel (Doc. Nos. 5); and (4) **DIRECTS** the Clerk to remove this action from the active docket of this court.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to plaintiff and to all counsel of record.

It is **SO ORDERED** this 8th day of July, 2009.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge